VI

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,823	10/30/2003	Rodney S. Daughtrey	09765-019002	9540

26161 7590 03/27/2007
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
TRAN, MYLINH T	
ART UNIT	PAPER NUMBER
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/697,823
Filing Date: October 30, 2003
Appellant(s): DAUGHTREY, RODNEY S.

Denis G. Maloney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/04/06 appealing from the Office action mailed 06/28/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,307,572	DeMarcken et al.	10/23/01
6,209,026	Ran et al.	03/27/01

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8 and 10-49 are rejected under 35 U.S.C. 102(e) as being anticipated by DeMarcken et al. [US. 6,307,572].

As to claims 1 and 32, DeMarcken et al. disclose a computer implemented method and corresponding apparatus of a graphical user interface for a travel planning system comprising the steps/means for a tabular region having a plurality of cells, the tabular region comprising cells arranged in plural columns and plural rows (figures 22-23, each little box is a cell) with the cells displaying a summary of a criterion of a set of travel options (See Figure 20, 352, column

1, lines 48 through column 2, lines 10). DeMarcken et al. cites "...a graphical region of the graphical user interface that displays a graphical representation of the itinerary information...The graphical user interface displays a total fare associated with a corresponding itinerary in the graphical representation...."); and with the cells being controls that when selected ("The one control includes a nonstop control, direct control, same airline control...The graphical user interface has an itinerary region that displays a selected itinerary including information pertaining to segments of the itinerary.." read as the plurality of cells that act as controls; provide a subset of the travel options that correspond to the respective criterion or criteria of the selected cell (figure 23, the second region (382) is displayed when one of the "JFK cell" is selected); and a second region that displays aspects of the subsets of the travel options resulting from selecting the respective cell in the tabular region (figure 23, column 57, lines 20-56). DeMarcken et al. also cites "...The graphical user interface has user selectable controls such as Origin and Destination. There are also controls for selecting time and date...The origin and destination controls invoke a query window....The server process returns to the client process a set of pricing solutions in a compact representation....Region depicts a listing of airports in a region about the location entered in area, whereas area lists origins and destinations of a flight slice..." read as the second region that displays selected travel options in accordance with a control actuated in the tabular region.

As to claims 2 and 21, DeMarcken et al. also disclose the interior cells that intersect at least one column and at least one row displaying a value that summarizes travel options that meet a pair of criteria according to the criterion in a respective one of the columns and the criterion in a respective one of the rows (figures 20-23).

As to claims 3 and 22, DeMarcken et al. teach the controls in the tabular region arranged in columns and rows and where upon actuation of one of the controls in a column (Figure 20, 1st Class, 2nd Class, Refundable and Nonstop, Direct, Online, Select; Figure 23, (382) column 58, line 58 through column 59, line 9) that is an exterior column causes result to be displayed in the second region as a grouping of travel options according to the criterion corresponding to the exterior column (figure 23, the second region (382) is displayed when one of the "JFK cell" is selected).

As to claims 4 and 23, DeMarcken et al. disclose "with actuation of one of the controls in one of the rows or columns on the periphery of the tabular regions causing (Figure 20, 1st Class, 2nd Class, Refundable and Nonstop, Direct, Online, Select; Figure 23, (382) column 58, line 58 through column 59, line 9), the results to be displayed in the results region as a grouping of travel options in accordance with a summary of a criterion corresponding to the selected control" (figure 23, the second region (382) is displayed when one of the "JFK cell" is selected).

As to claims 5 and 24, DeMarcken et al. also teach "upon actuation of one of the controls that is an interior one of the rows or columns, causes the results to be displayed in the results region as a grouping of travel options in accordance with criteria corresponding to the intersection of a corresponding row and a corresponding column" (figures 20-23).

As to claims 6 and 25, DeMarcken et al. show the controls being links to routines that invoke an appropriate enumeration algorithm (column 14, lines 8-31 and column 21, line 10 through column 22, line 67).

As to claims 8 and 26, DeMarcken further teaches the tabular region being a tabbed table comprising at least one of an airline tab, an airport tab and a flight time tab at figure 22. Airport tab is disclosed as cell 372 and airline tab is disclosed as cell 374.

As to claims 10 and 27, DeMarcken et al. demonstrate compartmentalizing travel options into 'bins', according to a set of criteria of the travel options (Figure 20, bin Nonstop, bin Direct, bin Online, bin Select, a set of criteria Origin, Destination); displaying a summary of the travel options in a graphical user interface according to the bins (figure 23, the second region (382) is displayed when one of the "JFK cell" is selected).

As to claims 11 and 28, DeMarcken et al. also demonstrate displaying criteria associated with the bins as cells in a table (Figure 20, table 350).

As to claims 12, 13 and 29-30, DeMarcken et al. disclose displaying criteria associated with the bins in a two-dimensional table, with only one criteria

assigned to each dimension of the table and displaying the resulting bins in a two-dimensional table, with one criteria assigned to each dimension of the table, and with a third criteria depicted in each cell of the table (Figures 22 and 23, column 57, line 56 through column 58, line 67).

As to claims 14, 31 and 33, DeMarcken et al. also disclose the criteria involved include one or more airlines or other carriers of passengers, number of stops that the carrier makes en route to destinations, departure times, arrival times, time ranges, carriers involved in travel options, locations that carriers depart or arrive from, cost of travel options, and ticket restrictions and airline safety records (Figure 23, column 3, lines 20-67 and column 58, line 58 through column 59, line 25).

As to claim 15, DeMarcken et al. teach a third criteria depicted in each cell that is an interior cell of the table (column 15, line 23 through column 16, line 31).

As to claim 16, DeMarcken et al. also teach selecting a cell from the table and producing specific information related to that cell which is presented the traveler and presenting the produced information in a user interface (column 5, lines 9-52).

As to claim 17, DeMarcken et al. shows wherein the information that is presented to the user is in the form of a table of travel options (column 11, line 56 through column 12, line 54).

As to claim 18, DeMarcken et al. teach displaying the graphical user interface as a tabbed table, a first tab being an airline tab, a second tab being airport tab

and a third tab being a flight time tab (figures 27), with each tab including a tabular region that displays summarized criteria of the set of travel options as a plurality of cells that act as controls according to the bins; and actuating one of the controls to display selected travel options in a accordance with the bin corresponding to the control (figure 23, the second region (382) is displayed when one of the "JFK cell" is selected).

As to claim 19, DeMarcken et al. also show displaying the resulting bins in a first tab of the table, with one criterion assigned to each of two dimensions of the table, and with additional criteria depicted in corresponding additional ones of the plurality of tabs of the tabbed table (column 4, line 65 through column 5, line 53).

As to claim 20, DeMarcken et al. teach a tabular region of the graphical user interface that displays criteria of a set of travel options as a plurality of cells that act as controls, which when selected, displays aspects of a subset of the travel options according to a criterion or criteria corresponding to the control selected. (See Figure 20, 352, column 1, lines 48 through column 2, lines 10).

As to claims 34 and 37, DeMarcken et al. demonstrate display a listing of the subset of travel options associated with selecting the control (figure 22).

As to claim 35, DeMarcken et al. also demonstrate the tabular region having criteria further arranged as tabbed windows (figure 22, 354).

As to claim 36, DeMarcken et al. provide the second region being part of a common window with the tabular region juxtaposed with the tabular region (column 35, line 20 through column 36, line 65).

As to claim 38, DeMarcken et al. also provide displaying with the control a value of a third criterion (figures 22-23).

As to claim 39, DeMarcken et al. teach displaying the interface on an output device (figure 25).

As to claims 40 and 45, the claim is analyzed as previously discuss with respect to claims 10-12.

As to claims 41 and 46, DeMarcken et al. also teach a bin comprising a value associated with a respective criterion (figures 22-23).

As to claims 42 and 47, DeMarcken et al. show displaying the table displaying the table with each of the bins rendered as elements in the table (column 48, line 35 through column 49 line 45).

As to claims 43 and 48, DeMarken et al. also show displaying an associated subset associated with a respective criterion (figures 22-23).

As to claims 44 and 49, DeMarcken et al. disclose a bin comprising a range of value associated with a respective criterion (column 48, line 37 through column 49, line 60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMarcken et al. in view of Ran et al. [US. 6,209,026].

As to claim 7, DeMarcken et al. fail to clearly teach the interface being implemented as a web page in a web browser and the controls being hyperlinks to the enumeration routines. However, Ran et al. show the web page in a web browser (see abstract). Ran et al. cites " An Internet utility which receives information...The web based utility calculates at least one route.." read as the interface being implemented as a web page in a web browser. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Internet and Web browser of Ran and the travel planning system of DeMarcken. The motivation of the combination would have been to provide a central processing system and a combined central and local processing system for providing personalized Internet traveler information via internet/intranet.

As to claim 9, Ran et al. teaches the graphical user interface is represented in a first web page and the results region displays itineraries and includes links that invoke a second web page to display details of the itineraries (Figure 3, Top-Level Webpage, Second-Level Webpage).

(10) Response to Argument

The DeMarcken's reference discloses:

A graphical user interface for a travel planning system comprises a graphical region of the graphical user interface that displays a graphical representation of the itinerary information associated with an executed user query.

The graphical user interface includes a user query section comprised of a plurality of controls that can be used to specify information in a user query and a field having icons representing carriers such as airlines that are associated with itineraries in the graphical representation. The graphical user interface includes icons associated with origins and destinations of itineraries that are represented in the graphical representation. The graphical user interface displays a total fare associated with a corresponding itinerary in the graphical representation. The graphical user interface has at least one control that selectively prunes from the graphical representation

itineraries that do not correspond to a value associated with the at least one control. The one control include a nonstop control, direct control, same airline control, the airline icons, airport icons, a first class arrangement control, second class arrangement control or refundable ticket control. The graphical user interface representation include a histogram or a horizontal bar graph. The graphical user interface has an itinerary region that displays a selected itinerary including information pertaining to segments of the itinerary. The region that displays a selected itinerary is presented by

selecting one of the itineraries in the graphical region that displays itineraries. The graphical user interface can display the region in a separate window.

A graphical user interface for a travel planning system includes a user query section comprised of a plurality of controls that can be used to specify information in a user
query and a active graphic region that displays a graph representation of a metric of the itinerary information associated with an executed user query with the graph representation.

The Ran's reference discloses:

An object to provide a central processing system and a combined central and local processing system for providing personalized Internet real-time traveler information via
Internet/Intranet.

The central processing system includes one or several host servers to collect and process individual requests for providing personalized real-time traveler information
as well as to collect/process real-time traveler information from various sources, wherein such host servers include computer sever, web server, email server, gopher server, internet TV/cable TV/interactive TV server, internet kiosk or regular kiosk server, internet fax or regular fax server, internet phone or regular

phone or cellular phone server, internet pager or hand-held device server, internet in-vehicle navigation server, and other internet servers.

Appellant's Invention discloses:

Appellant's invention is directed to a graphical user interface for a travel planning

system and a web page that depicts results from a server process executing a query entered via the query page is shown.

A tabular region has a plurality of cells including a table that summarizes travel options. The tabular region comprises cells arranged in plural columns and plural rows with the cells displaying a summary of a criterion of a set of travel options. With the cells being controls that when selected, provide a subset of the travel options that correspond to the respective criterion or criteria of the selected cell. The system also includes a second region that displays aspects of the subset of the travel options resulting from selecting the respective cell in the tabular region.

A method for displaying travel options that displays the graphical user interface being populated by obtaining a list of query-specific travel options.

Appellant has argued the following points:

Claims 1, 6, 32, 33 and 35-39:

Appellant has argued that DeMarcken et al. fail to describe or suggest "a tabular region having a plurality of cells, the tabular region comprising cells arranged in plural columns and plural rows with the cells displaying a summary

of a criterion of a set of travel options, and with the cells being controls that when selected, provide a subset of the travel options that correspond to the respective criterion or criteria of the selected cell; and a second region that displays aspects of the subset of the travel options resulting from selecting the respective cell in the tabular region."

Claims 2 and 5:

Appellant has argued that DeMarcken et al. fail to describe or suggest "interior cells that intersect at least one column and at least one row displaying a value that summarizes travel options that meet a pair of criteria according to the criterion in a respective one of the columns and the criterion in a respective one of the rows."

Claims 3 and 4:

Appellant has argued that DeMarcken et al. fail to describe or suggest "the controls in the tabular region arranged in columns and where upon actuation of one of the controls in a column that is an exterior column causes results to be displayed in the second region as a grouping of travel options according to the criterion corresponding to the exterior column."

Claim 8:

Appellant has argued that DeMarcken et al. fail to describe or suggest "the tabular region is a tabbed table comprising at least one of an airline tab, an airport tab and a flight time tab."

Claims 10, 11, 14, 15, 28 and 31:

Appellant has argued that DeMarcken et al. fail to describe or suggest "compartmentalizing travel options into bins according to a set of criteria of the travel options and displaying a summary of the travel options in a graphical user interface according to the bins."

Claims 12 and 29:

Appellant has argued that DeMarcken et al. fail to describe or suggest "displaying criteria associated with the bins in a two-dimensional table, with only one criterion assigned to each dimension of the table."

Claims 13 and 30:

Appellant has argued that DeMarcken et al. fail to describe or suggest a two-dimensional table, not does the reference describe or suggest to assign one criterion to each dimension of the table".

Claim 16:

Appellant has argued that DeMarcken et al. fail to describe or suggest "possessing the claimed cell that the bar graphs and controls are not cells of a table"

Claim 17:

Appellant has argued that DeMarcken et al. fail to describe or suggest "the information is a listing of travel options."

Claim 18:

Appellant has argued that DeMarcken et al. fail to describe or suggest "each tab includes a tabular region that displays summarized criteria of the set of travel options as a plurality of cells that act as controls according to the bins".

Claim 19:

Appellant has argued that DeMarcken et al. fail to describe or suggest "a table, a tabbed table or the feature of compartmentalizing travel options into bins according to a set of criteria".

Claims 20, 21 and 25:

Appellant has argued that DeMarcken et al. fail to describe or suggest "a tabular region that displays criteria of a set of travel options as a plurality of cells that act as controls".

Claims 22-24:

Appellant has argued that DeMarcken et al. fail to describe or suggest "the controls in the tabular region are arranged in a column and upon actuation of one of the controls in the column, causes results to be displayed as a grouping of travel options according to a criterion of the set of travel options, with the criteria corresponding to the actuated control".

Claim 26:

Appellant has argued that DeMarcken et al. fail to describe or suggest "the tabular region is a tabbed table comprising at least one of an airline tab, an airport tab and a flight time tab".

Claim 34:

Appellant has argued that DeMarcken et al. fail to describe or suggest "displaying a listing of the subset of travel options associated with selecting the control".

Claim 40:

Appellant has argued that DeMarcken et al. fail to describe or suggest "associating travel options with bins according to any determined criteria".

Claim 41-44 and 45-49:

Appellant has argued that DeMarcken et al. fail to describe or suggest "a bin comprising a value associated with a respective criterion".

Claims 7-9:

Appellant has argued that "the limitations of claims 7-9 are not suggested by the combination of DeMarcken with Ran, since at least for the reason that the references fail to show features of the base claims and Ran fails to address any of the missing teachings in DeMarcken".

The examiner disagrees for the following reasons:

Claims 1, 6, 32, 33 and 35-39:

DeMarcken et al. cite at column 58, lines 34-51 as "The window 370 (figure 22) also includes a listing 372 of airports involved in the results...The window 370 has a graphical region that provides a visual representation of pricing solutions extracted from the pricing graph 38. One preferred representation of the pricing solution is a horizontal bar graph 376. The itineraries are ordered by increasing

total fare with each entry 376a of the bar graph corresponding to a set of flight segments on airlines that provide travel from the origin (e.g., 'ESB') to the destination (e.g., 'SAN', San Diego International Airport) on airline coded in accordance with the legends for the airline in listing 374 with stopovers denoted by airports. The bar graph representation displays a metric of the pricing solution in a graph format. Thus, as shown for the first entry 376a, there are two legs 377a, 377b on airline "TK" with a stopover 377c at airport "JFK" and two legs 377d and 377e on airline "HP" arriving in San Diego (SAN)".

DeMarcken et al. teach a tabular region having a plurality of cells at figure 22. "Tabular" is defined as "having a flat surface" based on the Collegiate Dictionary. The graphical region (figure 22) is a flat surface being taught as the tabular region of the claimed invention. The graphical region (figure 22) displays plurality of cells as (376a), (377a), (377b), (377c), (377d), a list of airport cells (372) and a list airline cells (374). DeMarcken also teaches the plurality of cells being arranged in plural columns and rows. It is clearly that these cells (376a), (377a), (377b), (377c), (377d), a list of airport cells (372) and a list airline cells (374) are arranged in plural columns and rows at the graphical region (figure 22).

DeMarcken also teaches the cells displaying criteria of a set of travel options because cell 376a displays a set of flight segments on airlines that provide travel from the origin to the destination; the list of airport cells (372) displays all

the airport names; and the list of airline cells (374) displays all the airline names.

DeMarcken further teaches cells being controls that when selected, provide a subset of the travel options that correspond to the respective criterion or criteria of the selected cell and a second region that displays aspects of the subset of the travel options resulting form selecting the respective cell in the tabular region. When the cell (376a) is selected, the system provides a second region the window 380 of figure 23. DeMarcken is disclosed at column 58, lines 58-65, "Referring now to Figure 23, a window 380 illustrates a sample pricing solution including an itinerary 382 and fares 384. In this embodiment, such a window is produced by double-clicking on an itinerary such as 376a".

It is clearly that DeMarcken teaches the second region displaying aspects of the subset of the travel options such as itinerary 382 and fares 384 (figure 23) from selecting the respective cell such as 376a (figure 22) in the tabular region such as the graphical region window 370 (figure 22). The graphical region 370 (figure 22) contains plurality of bar-graphs that represent plurality of cells. These bar-graphs are arranged in columns and rows. Each of the bar-graph acts as a control which display information when it is selected.

It is clearly that the DeMarcken's system teaches the whole limitations of independent claims 1, 6, 32, 33 and 35-39.

Claims 2 and 5:

DeMarcken clearly teaches interior cells that intersect at least one column and at least one row displaying a value that summarizes travel options that meet a pair of criteria according to the criterion in a respective one of the columns and the criterion in a respective one of the rows. The interior cell JFK (376a) that intersects one column (pricing column $1433) and one row (time column from midnight to 4:00pm) (figure 22) that meets a pair of criteria.

Claims 3 and 4:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claim 8:

DeMarcken further teaches the tabular region being a tabbed table comprising at least one of an airline tab, an airport tab and a flight time tab at figure 22. Airport tab is disclosed as cell 372 and airline tab is disclosed as cell 374.

Claims 10, 11, 14, 15, 28 and 31:

DeMarcken teaches compartmentalizing travel options into bins according to a set of criteria of the travel options and displaying a summary of the travel options in a graphical user interface according to the bins. The bins are disclosed at figure 22 such as 376a, 377a, 377b, 377c, 377d...

Claims 12 and 29:

DeMarcken displaying criteria associated with the bins in a two-dimensional table, with only one criterion assigned to each dimension of the table at figure

22. The bins are disclosed at figure 22 such as 376a, 377a, 377b, 377c, 377d...being in a two-dimensional table.

Claims 13 and 30:

The claims are analyzed as previously discuss with respect to claims 12 and 29

Claim 16:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claim 17:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claim 18:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claim 19:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claims 20, 21 and 25:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claims 22-24:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claim 26:

The claims are analyzed as previously discuss with respect to claims 8

Claim 34:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claim 40:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claim 41-44 and 45-49:

The claims are analyzed as previously discuss with respect to claims 1, 6, 32, 33 and 35-39.

Claims 7-9:

DeMarcken teaches all the features of the base claims and Ran et al. show the web page in a web browser (see abstract). Ran et al. cites " An Internet utility which receives information...The web based utility calculates at least one route.." read as the interface being implemented as a web page in a web browser. Therefore, the limitations of claims 7-9 are suggested by the combination of DeMarcken with Ran.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mylinh Tran

Conferees:

Lynne Browne

Appeal Panel Member

Lynne H. Browne
Appeal Specialist, TQAS
Technology Center 2100

SPE. Weilun Lo

Art Unit: 2179

WEILUN LO
SUPERVISORY PATENT EXAMINER